

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENTS ON BEHALF OF STUDENT,

v.

SWEETWATER UNION HIGH SCHOOL  
DISTRICT.

OAH CASE NO. 2013060262

ORDER GRANTING JOINT REQUEST  
FOR CONTINUANCE AND SETTING  
NEW MEDIATION AND  
PREHEARING CONFERENCE DATES

On July 1, 2013, the above-captioned parties filed a joint request to continue the mediation and prehearing conference dates in this matter. The parties did not request a continuance of the due process hearing.

A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) As a result, continuances are disfavored. Good cause may include the unavailability of a party, counsel, or an essential witness due to death, illness or other excusable circumstances; substitution of an attorney when the substitution is required in the interests of justice; a party's excused inability to obtain essential testimony or other material evidence despite diligent efforts; or another significant, unanticipated change in the status of the case as a result of which the case is not ready for hearing. (See Cal. Rules of Court, rule 3.1332(c).) The Office of Administrative Hearings (OAH) considers all relevant facts and circumstances, including the proximity of the hearing date; previous continuances or delays; the length of continuance requested; the availability of other means to address the problem giving rise to the request; prejudice to a party or witness as a result of a continuance; the impact of granting a continuance on other pending hearings; whether trial counsel is engaged in another trial; whether the parties have stipulated to a continuance; whether the interests of justice are served by the continuance; and any other relevant fact or circumstance. (See Cal. Rules of Court, rule 3.1332(d).)

OAH has reviewed the request for good cause and considered all relevant facts and circumstances. The request is:

☒ Granted. The mediation and prehearing conference dates are vacated. This matter will be set as follows:

Mediation: July 16, 2013, at 9:30 a.m.

Prehearing Conference: July 19, 2013, at 1:00 p.m.

Due Process Hearing: Will remain as scheduled to begin on July 23, 2013, at 9:30 a.m., and will continue day to day thereafter, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

The parties have selected a prehearing conference date that is only two business days before the due process hearing. They are reminded that they must exchange exhibits and witness lists no later than five days prior to the due process hearing. Therefore, all proposed exhibits and witness lists must be exchanged by July 16, 2013, three days before the scheduled date of the prehearing conference.

IT IS SO ORDERED.

Dated: July 1, 2013

/s/

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DARRELL LEPKOWSKY  
Administrative Law Judge  
Office of Administrative Hearings